

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

HERIBERTO CASTRO,


Defendant.

JOHN G. KOELTL, District Judge:

The defendant, Heriberto Castro, has filed a motion for the return of property pursuant to Fed. R. Crim. P. 41(g). "The district court where a defendant is tried has ancillary jurisdiction to decide the defendant's post-trial motion for return of seized property." Rufu v. United States, 20 F.3d 63, 65 (2d Cir. 1994). Because the motion was made after the termination of criminal proceedings against the defendant, the motion is treated as a civil complaint for equitable relief. See Diaz v. United States, 517 F.3d 608, 610 (2d Cir. 2008); Rufu, 20 F.3d at 65. Accordingly, the Clerk is directed to open a civil docket number for this case. The Court will thereafter refer the matter to the Magistrate Judge assigned to the case for further proceedings.

SO ORDERED.

Dated: New York, New York  
July 20, 2009

  
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John G. Koeltl  
United States District Judge

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